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Pretrial Investigative Hearing Set On Officer's Contact With Soviet

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WASHINGTON, June 15 — The Air Force plans to begin tomorrow a formal pretrial investigative proceeding to determine whether a 25-year-old missile officer made unauthorized visits to the Soviet Embassy here in violation of Air Force regulations.

A military lawyer known as a judge advocate will convene the proceeding against Second Lieut. Christopher M. Cooke, who has reportedly told Air Force investigators that he passed sensitive data to Soviet diplomats when he visited the embassy between December 1980 and May 1981.

The proceeding, under Article 32 of the Uniform Code of Military Justice, will be held at Andrews Air Force Base in suburban Maryland. It will be closed to the public, according to military officials, to avoid the disclosure of classified information.

Air Force spokesmen compared the proceeding against Lieutenant Cooke with a grand jury investigation. But the Air Force officer will have more rights than the target of a grand jury investigation because he and his attorney, Capt. Francis W. Pedrotty, will be able to cross-examine Government witnesses, call defense witnesses and present other evidence tending to show his innocence.

Step on Court-Martial

Maj. James D. Johnson, a judge advocate from Vandenberg Air Force Base in California, will preside over the proceeding at Andrews. The major will then recommend whether the "convening authority," Lieut. Gen. Edgar S. Harris Jr., should dismiss the charges against Lieutenant Cooke or hold a court-martial. A panel of at least five officers would sit in judgment in a court-martial.

Lieutenant Cooke had been the deputy commander of a Titan nuclear missile crew near McConnell Air Force Base in Kansas. The Air Force charged last month that he had made three visits to the Soviet Embassy here without informing his superiors. Air Force rules require that such contacts with representatives of Communist countries be reported.

Military officials have said that the disclosure of information to the Russians by Lieutenant Cooke required the Air Force to change targets and codes for some of its missiles.

A spokesman for the Strategic Air Command, which is in charge of all Titan missiles, said that Lieutenant Cooke was transferred today from McConnell to Fort Meade, Md., where he was to be detained tonight.

Purpose of Investigation

Military lawyers said that the purpose of the "Article 32 investigation" was not to perfect a case against Lieutenant Cooke, but to permit the presiding officer to form an opinion whether the charges against him were "warranted" by the evidence.

In deciding whether to refer the case to a court-martial, General Harris, the commander of the Eighth Air Force, would not be required to follow Major Johnston's recommendations. But such recommendations usually carry great weight, the military lawyers said.

The Justice Department is conducting a separate criminal investigation to determine whether Lieutenant Cooke violated any espionage laws.